

Election of Species Requirements

The Office Action required elections of species, as follow:

- 1) The Office Action required election of a source of exogenous nucleic acid, e.g., as recited in claims 4 and 5.

Applicants hereby elect “prokaryotic cell.”

Of elected claims 1-40, 62, and 63, the claims readable on this species include claims 1-40, 62, and 63.

- 2) The Office Action required election of a host cell, e.g., as recited in claims 14-18.

Applicants hereby elect “prokaryotic cell.”

Of elected claims 1-40, 62, and 63, the claims readable on this species include claims 1-15, 19-40, 62, and 63.

- 3) The Office Action required election of a biosynthetic pathway.

Applicants hereby elect a biosynthetic pathway comprising mevalonate kinase, phosphomevalonate kinase, mevalonate pyrophosphate decarboxylase, and isopentenyl pyrophosphate isomerase, as recited in claim 28.

Of elected claims 1-40, 62, and 63, the claims readable on this species include claims 1-32, 39, 40, 62, and 63.

- 4) The Office Action required election of a product encoded by the nucleic acid with which the genetically modified host cell is genetically modified.

Applicants hereby elect “a terpene biosynthetic pathway intermediate-modifying gene product.” See, e.g., Example 4 and paragraph 00227.

Of elected claims 1-40, 62, and 63, the claims readable on this species include claims 1-32, 39, 40, 62, and 63.

Applicants note that upon allowance of a generic claim, Applicants are entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 C.F.R. §1.141.

II. CONCLUSION

The Commissioner is hereby authorized to charge any fees under 37 C.F.R. §§ 1.16 and 1.17 which may be required by this paper, or to credit any overpayment, to Deposit Account No. 50-0815, order number BERK-032.

Respectfully submitted,
BOZICEVIC, FIELD & FRANCIS LLP

Date: April 17, 2009 By: /Paula A. Borden, Reg. No. 42,344/
Paula A. Borden
Registration No. 42,344

BOZICEVIC, FIELD & FRANCIS LLP
1900 University Avenue, Suite 200
East Palo Alto, California 94303
Telephone: (650) 327-3400
Facsimile: (650) 327-3231